

MEMORANDUM

February 19, 1970

TO: Boston Redevelopment Authority
FROM: John D. Warner, Director
SUBJECT: BOARD OF APPEAL REFERRALS

Re: Petition No. Z-1766
Mary L. Hartnett et al
Trustees of S.B.J. Realty Trust
18-32 Tremont St., Boston

Petitioner seeks a variance to erect a one story addition to a commercial (offices, stores, bank) building in a General Business (B-8) district. The proposal would violate the code as follows:

| | <u>Req'd.</u> | <u>Proposed</u> |
|---|---------------|-----------------|
| Sect. 21-1 Setback of parapet is insufficient (front) | 3.1 | 0 |
| (rear) | 19.7 | 0 |
| (left) | 12 | 0 |

The property, located on Tremont Street near the intersection of Court Street, contains an eleven story commercial (offices, stores, bank) building. The petitioner proposes to erect a top story office addition to the existing building. The staff recommends that a minimum ten foot parapet setback be provided on the Tremont Street side (front) and the King's Chapel Burial Ground side (right). This would insure the compatibility of new construction with the old. Recommend approval with proviso.

VOTED: That in connection with Petition No. Z-1766, brought by Mary L. Hartnett et al, Trustees, for a variance of insufficient setback of parapet to erect a one story addition to a commercial (office, stores, bank) building in a General Business (B-8) district, the Boston Redevelopment Authority recommends approval provided a minimum ten foot setback of parapet is provided on the Tremont Street or front side and the King's Chapel Burying Ground on the right side. This would insure compatibility of new construction with the old.



Z-1766
18 TREMONT ST.
(B.P)

Re: Petition No. Z-1769
O. Panos
74 Appleton Street, Boston

Petitioner seeks a change of a non-conforming use for a change of occupancy from a store (meat market) and two apartments to two apartments and an employment office in an Apartment (H-2) district. The proposal would violate the code as follows:

Sect. 9-2 A change of a non-conforming use requires a
Board of Appeal hearing.

The property, located on Appleton Street at the intersection of Clarendon Street in the South End Urban Renewal Area, contains a four story brick structure. The employment office use is existing. The staff has no objection to the use. However, the existing advertising sign, attached horizontally to the structure, is inconsistent in size and design with the South End Urban Renewal Plan objectives. Design plans for a new advertising sign consistent with the Urban Renewal Plan and the general character of the neighborhood should be submitted to the Authority for design review approval. Recommend approval provided plans and designs for a new advertising sign are submitted to the Authority for design review approval.

VOTED: That in connection with Petition No. Z-1769, brought by O. Panos, 74 Appleton Street, Boston, for a change of a non-conforming use for a change of occupancy from a store and two apartments to an office and two apartments in an Apartment (H-2) district, the Boston Redevelopment Authority recommends approval. Plans for an advertising sign consistent with the South End Urban Renewal Plan and the general character of the neighborhood should be submitted to the Authority for design review approval. The existing employment office advertising sign is inconsistent in size and design with the objectives of the South End Urban Renewal Plan.

This is a detailed street map of the Appleton area in Boston. The map shows a grid of streets including Appleton, Chandler, Lawrence, and Dartmouth. Numerous lot numbers and addresses are printed throughout the map. Key locations highlighted include:

- 74 Appleton St. (B.P.)**: A specific address marked on Appleton Street.
- Z-1769**: A zoning designation marked near the intersection of Appleton and Dartmouth Streets.
- PLAYGROUND**: Located near Charles Street.
- CLARENDON ST. BAPTIST CHURCH**: Located at the bottom of the map.
- CLARENDON ST. BAPTIST CHURCH**: Located at the bottom of the map.
- CLARENDON ST. BAPTIST CHURCH**: Located at the bottom of the map.

The map also shows various other streets and landmarks, such as 'APPLETON', 'CHANDLER', 'LAWRENCE', 'DARTMOUTH', 'STREET', 'PLACE', 'BOSTON SCHOOL COMM', 'JOURNEYMAN APPRENTICESHIP', 'CLASSES', 'WAREHOUSE', 'CLARENDON ST. BAPTIST CHURCH', and 'CLARENDON ST. BAPTIST CHURCH'.

Re: Petition No. Z-1771
George S. Davis
222-226 Cambridge Street, Boston

Petitioner seeks a forbidden use permit and a variance for a change of of occupancy from a hall and two families to nine apartments and two stores in a Local Business (L-2) District. The proposal would violate the code as follows:

Section 8-7. Any dwelling converted for more families not meeting one half the requirements for open space is forbidden in an L-2 District.

Section 17-1. Open space is insufficient

| Reqd. | Prop. |
|-----------|----------|
| 150 sf/du | 25 sf/du |

The property, located on Cambridge Street at the intersection of Irving Street, contains a four story brick structure. The petitioner proposes to create nine - two bedroom apartments, each unit containing approximately 500 square feet. The proposed density is too excessive for this mixed commercial-residential area. The staff recommends that six apartment units consisting of approximately 750 square feet per unit be allowed. This reduction in density would mitigate the open space violation. Recommend denial as submitted.

VOTED: That in connection with Petition No. Z-1771, brought by George S. Davis, 222-226 Cambridge Street, Boston, for a change of occupancy from a hall and two families to nine apartments and two stores in a Local Business (L-2) District, the Boston Redevelopment Authority recommends denial as submitted. The proposed density of nine apartments is too excessive for this commercial-residential area. The Authority recommends that six apartment units containing approximately 750 square feet per unit be constructed. This reduction in density would mitigate the open space violation.

Re: Petition No. Z-1772
Malcolm Boraks
12 Lawrence Street, Boston

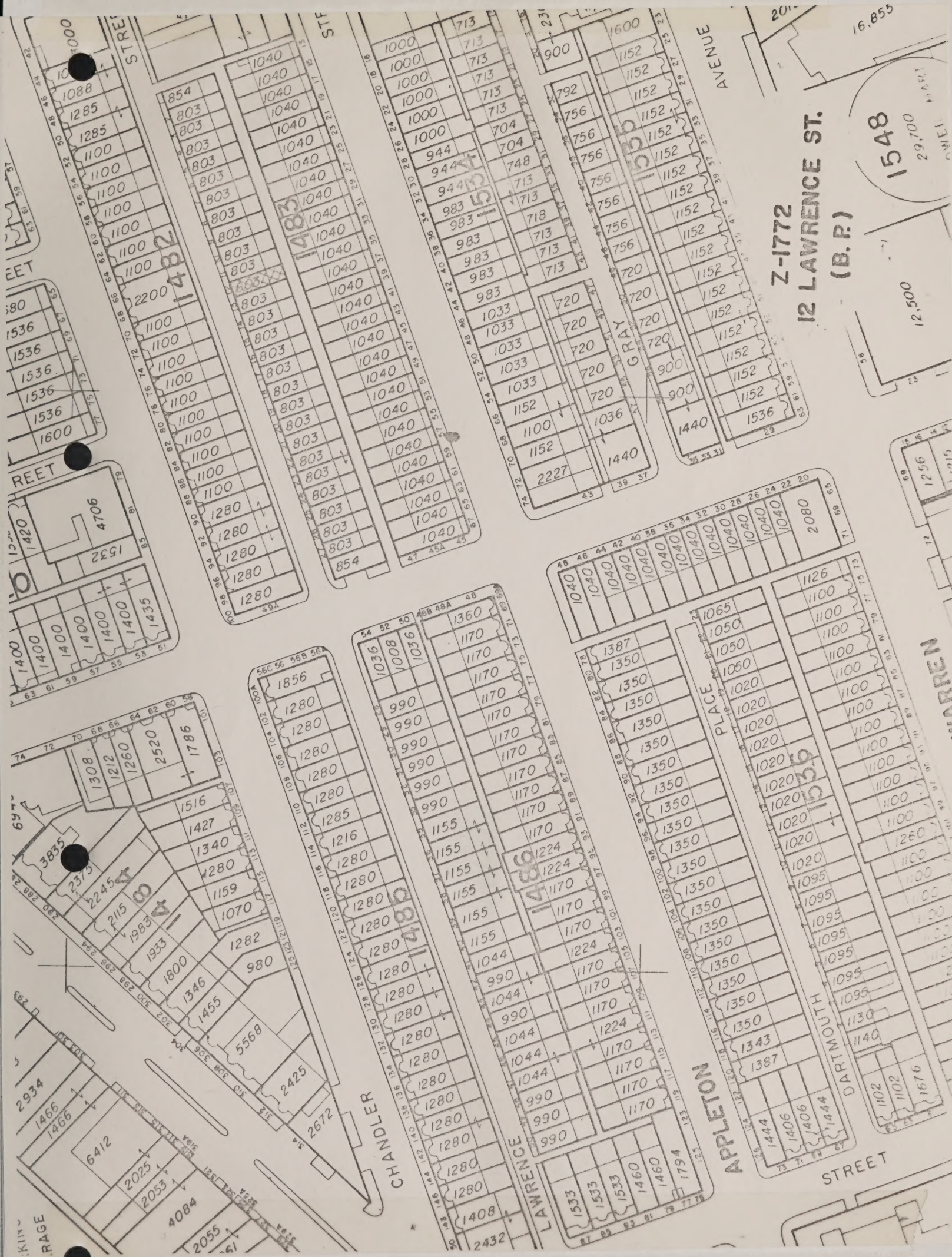
Petitioner seeks a conditional use permit and a variance for a change of occupancy from a one family dwelling to a two family dwelling in an Apartment (H-2) District. The proposal would violate the code as follows:

Section 8-7. Any dwelling converted for more families and meeting one half the requirement for open space is conditional in an H-2 District

| | | |
|---|--------------|--------------|
| | <u>Reqd.</u> | <u>Prop.</u> |
| Section 17-1. Open space is insufficient. | 150 sf/du | 120 sf/du |

The property, located on Lawrence Street between Berkeley and Clarendon Streets in the South End Urban Renewal Area, contains a three story brick structure. The proposed two family occupancy is consistent with the South End Urban Renewal Plan. All surrounding dwellings are two family. The open space violation is minimal. Recommend approval.

VOTED: That in connection with Petition No. Z-1772, brought by Malcolm Boraks, 12 Lawrence Street, Boston, for a conditional use permit and a variance of insufficient open space for a change of occupancy from a one family dwelling to a two family dwelling in an Apartment (H-2) District, the Boston Redevelopment Authority recommends approval. The proposed two family occupancy is consistent with the South End Urban Renewal Plan. The surrounding dwellings are two family. The open space violation is minimal.



Z-1772
12 LAWRENCE ST.
(B.P.)

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February 19, 1970

MEMORANDUM

TO: Boston Redevelopment Authority

FROM: John D. Warner, Director

SUBJECT: ZONING TEXT AMENDMENT APPLICATION NO. 16

- I. Re: Zoning Code amendments in Sections 6-2, 6A-2 & 7-2:
Board of Appeal procedures.
1. BRA filing time: Change from 20 days to 30 days.
 2. BRA report: Change to BRA report with recommendations
 3. Add- no hearing until BRA report is received or 30 days lapses.
-

1. Time within which BRA must make a recommendation - changed from 20 days to 30 days.

Presently the Boston Redevelopment Authority must file its report with the Board of Appeal within 20 days. If the BRA fails to file a report within 20 days the Board of Appeal is not compelled to even consider BRA recommendations.

Because the petition is reviewed by several members of the staff before the recommendation is formulated and this recommendation must then be voted upon by the Boston Redevelopment Authority's Board of Directors, the existing 20 days period is not sufficient.

Changing the period of time to 30 days would eliminate most late reports.

2. BRA report - change to BRA report with recommendations.

The Board of Appeal has taken the position that the BRA is not complying with the code when it makes a recommendation regarding a petition. The code speaks only of the BRA filing a report. Adding the words "with recommendations" after the word "report" would remedy this difficulty.

Such a wording would be consistent with the procedure established for the Zoning Commission by the Enabling Act.

3. Add - no hearing until the BRA report is received or 30 days has elapsed.

Currently the Board of Appeal has the right to hold a hearing on any appeal as soon as it is received and advertised, even within the existing 20 day period. The proposed amendment would not permit a hearing to be held for at least 30 days, thus permitting the parties affected and the Board of Appeal to have the benefit of the BRA recommendation as of the date of the hearing.

II. Re: Zoning Code Amendment in Section 5-4;
Cost of a Zoning Commission Hearing

The proposed amendment would establish the cost for a Zoning Commission hearing as \$100.00. This change from \$50.00 to \$100.00 will effect fee charges, bringing them into line with present hearing costs.

VOTED: That in regard to Text Amendment Application No. 16, brought by the Legal Advisor of the Boston Zoning Commission, to change the hearing costs in Section 5-4 and to change certain Board of Appeal procedures in Sections 6-2, 6A-2 and 7-2, the Boston Redevelopment Authority recommends approval.

Boston February 11, 1970

Robert J. Pleshaw, as Legal Advisor of the Boston Zoning Commission hereby petitions the Zoning Commission of the City of Boston to adopt under Chapter 665 of the Acts of 1956, as amended, the following amendments to the Boston Zoning Code:

By striking out Section 5-4 and inserting in place thereof the following Section:

SECTION 5-4. Estimated Cost of a Hearing before Zoning Commission on a Proposed Amendment. The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as one hundred dollars.

By striking out Section 6-2 and inserting in place thereof the following Section:

SECTION 6-2. Procedure for Appeal. Each appeal for a conditional use shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. The Boston Redevelopment Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining special conditions and safeguards. The Board of Appeal shall not hold a hearing nor render any decision on an appeal for a conditional use until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

By striking out Section 6A-2 and inserting in place thereof the following Section:

SECTION 6A-2. Procedure for Appeal. Each appeal for an exception shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission. Said Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps, or plans to aid the Board of Appeal in judging the appeal and determining what conditions and safeguards may be necessary or appropriate. The Board of Appeal shall not hold a hearing nor render a decision on an appeal for an exception until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

By striking out Section 7-2 and inserting in place thereof the following Section:

SECTION 7-2. Procedure for Appeal. Each appeal for a variance shall be filed in quadruplicate with the Building Commissioner, who shall retain one copy for his files and transmit the other copies as follows: one to the Board of Appeal, one to the Boston Redevelopment Authority, and the other to the Zoning Commission.

In each of the following cases, the Boston Redevelopment Authority shall, within thirty days after the date of such transmittal, file with the Board of Appeal a report with recommendations, together with material, maps or plans to aid the Board of Appeal in judging the appeal and determining special limitations and safeguards:

(a) an appeal for the erection or alteration of a building to a height greater than that authorized by this code;

(b) an appeal for a nonconforming use of land with an area of more than 20,000 square feet;

(c) an appeal for a nonconforming use of an existing building or buildings with a gross floor area in excess of 2,000 square feet or a floor area ratio more than fifty percent greater than that permitted in the district in which it or they are located; and

(d) an appeal for a commercial or industrial use in a residential district, on a parcel of land not previously used for a commercial or industrial purpose.

In any other case, the Boston Redevelopment Authority may, within thirty days after the date of such transmittal file with the Board of Appeal a report with recommendation in connection with the appeal for a variance therein.

The Board of Appeal shall not hold a hearing nor render any decision on an appeal for a variance until such report with recommendations has been received and considered, provided that if no such report is received within said thirty days, the Board of Appeal may hold a hearing and render its decision without such report.

Petitioner City of Boston Zoning Commission

By _____

Legal Advisor

Address _____

9th Floor City Hall

Boston, Massachusetts

Tel. No. _____

(From Section 5-4 of Boston Zoning Code as authorized by Chapter 665 of the Acts of 1956)

"The estimated average cost to the City of a hearing on a proposed amendment of this code is hereby established as fifty dollars."

